

Anita F. Kopchinski
Hidden Brook Gardens, LLC
551 Colonel Ledyard, Highway, Ledyard, CT 06339
860-912-1767

Support for Proposed H. B. No. 5819 AN ACT ALLOWING THE PRODUCTION OF ACIDIFIED FOODS IN FARM KITCHENS

Currently the Connecticut Department of Agriculture allows an exemption for the preparation of jams and jellies, honey and maple syrup in the home kitchen. All other items must be prepared in a government inspected ("certified") kitchen. This places a significant financial burden on the small farm operation and limits additional income that could be gained from the preparation and sale of valued added items such as salsas, pickles, tomato sauce and the like.

I urge to legislature to consider the approach used in the state of Pennsylvania. Processors there are permitted by the Pennsylvania Department of Agriculture to produce not potentially hazardous foods in the "home kitchen" with the intent to offer these products for sale to the public. These processors are regulated under PA Act 70, the Food Act effective December 2003 (<http://www.pacode.com/secure/data/007/007toc.html>). The supporting regulations for Act 70 can be found in Title 21 of the Code of Federal Regulation (CFR's).

The Act defines a potentially hazardous food as a food which consists, in whole or part, of milk or milk products, eggs, meat, poultry, fish, shellfish, edible crustacea or other ingredients, including synthetic ingredients, which is in a form capable of supporting rapid and progressive growth of infectious or toxigenic microorganisms.

The act specifically states that potentially hazardous food does not include foods that have a pH level of 4.6 or below or a water activity of 0.85 or less under standard conditions or food products in hermetically sealed containers processed to maintain commercial sterility.

Microorganisms which cause food spoilage (including *C. botulinum*) are easily destroyed by heat when acid is present, and therefore, high-acid foods (those with a pH of 4.6 or lower) can be safely canned in boiling water at a temperature of 212 °F¹.

The Pennsylvania Department of Agriculture has published "Guidance and Requirements for Home Food Producers" which clearly describes the requirements and limitations for the preparation of home baked goods, jams/jellies, canning/acidified foods and candy and is attached to my written testimony.

I urge the committee to enact legislation to allow this exemption which would provide for the safe preparation and sale of value added products without the burden and expense of utilizing a certified kitchen which would allow significant increase in income for the small Connecticut farmer.

¹ Safe Canning Methods, Mary E. Mennes, Department of Food Science, University of Wisconsin-Madison, Produced by Cooperative Extension Publications, UW-Extension, Editor Rhonda Lee.

**Pennsylvania Department of Agriculture
Bureau of Food Safety and Laboratory Services
Division of Food Safety
2301 North Cameron Street
Harrisburg, PA 17110-9408
717-787-4315**

Guidance and Requirements for Home Food Processors

Several types of food processing in the "home kitchen" are permitted by the Department with the intent of the producer to offer these products for sale to the public. These processors are regulated under Act 70, the Food Act. The supporting regulations for Act 70 can be found in Title 21 of the Code of Federal Regulation (CFR's). In some cases, home business may be regulated under PA Code Title 7, Chapter 46, the Food Code.

Generally, the types of home production are limited to foods that are **not** "potentially hazardous foods" (PHF's). PHF's are foods that will support the growth of pathogenic microorganisms and require temperature controls. PHF's can only be produced in a commercially licensed / registered kitchen. This does not specifically prohibit home processing of PHF's, but the foods could only be produced in a second kitchen, meeting all regulatory standards, separate from the private home kitchen. Bakery products, jams and jellies, acidified foods, and candy making are the most common types of home food processing. Each type of food processing, however, does have certain requirements and limitations. General rules for all products are as follows:

1. No animals/pets are permitted in the home at any time
2. Children are not permitted in the kitchen area during commercial processing
3. The water supply serving the home must be from an approved supply. Private sources must be tested annually for coliform bacteria.
4. Department approval may not be in conflict with any local zoning or ordinances. A written statement from the local municipality must be obtained stating such.
5. Registration and fee by the Department of Agriculture are required
6. All ingredients must be separate from those for personal use and must be properly stored and protected.
7. There must be restricted use of the home kitchen during any commercial processing.
8. Products must be properly labeled as follows:
 - *Name of product
 - *Name and address of manufacturer
 - *Ingredients listed in decreasing order by weight
 - *Net weight or unit count
9. Nutritional labeling must be included on food products being shipped / sold in interstate commerce. Home businesses may qualify for a small business exemption from nutritional labeling requirements by applying with FDA.
10. Processors must comply with all applicable state and federal laws and regulations.

Home Baking

Home baking is the most common type of food processing conducted in the home kitchen. Traditional bakery items produced are cakes, breads, cookies, rolls, muffins, brownies, fruit pies and pastries, etc.

PHF's are not allowed to be prepared in the home kitchen and may include: cheesecakes, pumpkin pies, cream, custard and meringue pastries / desserts or any food item that has sufficient moisture, high pH (low acidity >4.6) and/or ingredients that will support the growth of pathogenic microorganisms. PHF's also include any baked good containing meat or cheeses. Generally, any product requiring refrigeration after preparation would be considered "potentially hazardous".

Bakery items made and sold, directly to a Commonwealth consumer, by the baker, do not require any labeling information on the products or any form of display.

Items sold at retail, not owned or operated by the baker, requires one of the following forms of labeling:

- (1) If products are in packaged form all required information must be on the package
- (2) Products loose and bulk displayed must have all required label information posted by the display
- (3) Bakery items sold at establishments for consumption on the premises, such as a restaurant, require that the label information be available to the consumer upon request.

Jams and Jellies

Producers of jams and jellies must have written procedures / formulas.

Each product must be analyzed by a food testing laboratory for soluble solids.

New lids must be used and any reused jars must be thoroughly washed and sanitized.

All labeling requirements on the containers must be met.

Registration with a fee is required unless greater than 50% of the product is grown by the producer (the 50% rule). If the 50% rule is met, no fee is charged.

Canning/Acidified Foods

Producers of home canned products may only produce products that reach a pH of 4.6 or less upon completion of the recipe. This might include; salsa, chow-show, pickled beats, pickled vegetables, hot sauces, and others.

Producers of Acidified Foods must have written recipes / formulas and procedures.

The pH testing is the responsibility of the processor. You will need to take your product to a laboratory in your area and have the product tested. The pH should be tested after the product has had a chance to reach equilibrium (3 – 5 days after production).

New lids must be used and any reused jars must be thoroughly washed and sanitized.

All labeling requirements on the containers must be met.

11/05 rev.

Registration with a fee is required unless greater than 50% of the product is grown by the producer (the 50% rule). If the 50% rule is met, no fee is charged.

Low acid canned foods (food with a pH above 4.6) may **NOT** be made from the home.

Candy Making

Most types of candy can be made in a home setting. These would include; fudge, lollipops, chocolates, tortes, hard candy, rock candy and others.

Registration and fee are required.

All labeling requirements on the containers must be met.

Getting Started on Your Home Business

First, contact your local municipality (city office, township office, city or borough office, etc.) to ensure that local ordinances and zoning requirements allow operation of a home-based food business. During the initial inspection of the business the written approval will need to be reviewed by the Department's inspector.

Second, if your home has a non-public water supply (well) have your water tested for Coliform (and nitrate / nitrite if a retailer). Choose an approved DEP (Department of Environmental Protection) water testing laboratory in your area.

Third, if the product you are making requires any laboratory testing, as listed above, this testing should be accomplished prior to your first inspection. Choose any local laboratory conducting food testing.

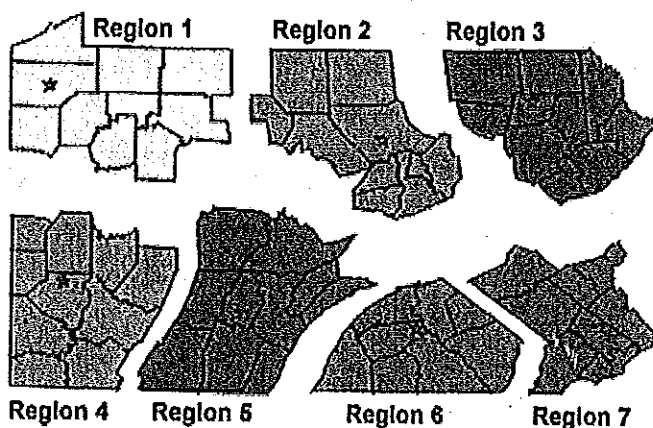
Fourth, if you are a home based food business and your intent is to sell retail (non-wholesale) from your home *direct to the consumer*, regardless of method of sale (phone sales, internet sales, or direct door sales) you will need to fill out a "Retail Plan Review Packet" for the Department. If you are *not* selling from the home direct to consumers or are strictly wholesaling your product, then you do not need to fill out the Retail Plan Review Packet for your home location. If you are going to sell your product at a retail satellite location (farmers market, roadside stand, fair, etc...), then your satellite location will additionally need to be registered with the Department and a Plan Review Packet will need to be filled out for that retail location. This packet can be found at www.agriculture.state.pa.us Select Business/Industry, then Food Safety and choose Retail Foods and Restaurants. **This paperwork, if required, should be filled out and returned to the appropriate regional office (see below) as soon as possible.** If approved, you will receive an approval

11/05 rev.

letter in the mail with follow up instructions. If disapproved, you will receive a letter explaining why and you may re-submit at anytime thereafter.

Finally, when all prior items are complete and approved, contact the Pennsylvania Department of Agriculture Regional Office (see below) in your area to make arrangements for inspection. At the time of inspection, your sanitarian will discuss with you the standards and good manufacturing practices expected of your business, labeling and testing requirements, if applicable, and any other necessary food safety information.

At the conclusion of your inspection, if satisfactory, your Sanitarian will collect your \$35.00 registration fee (if not exempt from fee) and you will be ready to begin your business.



Region 1, 814-332-6890

Region 2, 570-433-2640

Region 3, 570-836-2181

Region 4, 724-443-1585

Region 5, 814-946-7315

Region 6, 717-346-3223

Region 7, 610-489-1003

We wish you well on starting a new Pennsylvania food business.